

House Bill 47

By: Representatives Oliver of the 83rd, Porter of the 143rd, Hugley of the 133rd, Benfield of the 85th, and Teilhet of the 40th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 21 and Titles 36, 42, and 45 of the Official Code of Georgia
2 Annotated, relating, respectively, to ethics in government; local government; penal
3 institutions; and public officers, so as to provide for the comprehensive revision of provisions
4 regarding ethics and conflicts of interest; to provide for and change certain definitions; to
5 change certain provisions relative to declaration of policy; to change provisions relating to
6 operating expenses; to provide for the timely issuance of advisory opinions by the State
7 Ethics Commission and other matters relative to advisory opinions; to change provisions
8 relating to the State Ethics Commission including its administrative attachment to the
9 Secretary of State's office; to change provisions relating to mailing complaints; to provide
10 for rule making with regard to technical defects and the time frame for correction of technical
11 defects in financial disclosure statements; to change certain provisions regarding connected
12 organizations; to create certain restrictions on receipt or award of state contracts; to change
13 certain provisions regarding contributions made to candidates and the location where certain
14 reports are filed; to change provisions relating to contributions or expenditures other than
15 through candidates or campaign committees and disclosure of extensions of credit; to change
16 provisions relating to disposition of contributions; to change certain provisions regarding
17 disclosure reports; to change certain provisions regarding electronic filing of reports; to
18 change certain provisions relating to acceptance of campaign contributions during legislative
19 sessions; to change provisions relating to maximum allowable contributions; to change
20 certain provisions relating to filing of financial disclosure statements; to change provisions
21 relating to filing by mail; to change certain provisions relating to lobbyist registration; to
22 change provisions relating to lobbyist disclosure reports and the contents thereof and the
23 definition of lobbyist; to create provisions relating to a lobbyist's eligibility for certain
24 appointments; to create conflict of interest provisions relating to gifts; to provide restrictions
25 for lobbyists relating to contingency agreements; to provide for restrictions for lobbyists
26 relating to presence on the floor of the House and Senate; to correct cross-references; to
27 provide for criminal penalties; to change provisions relative to appearances before the Board
28 of Pardons and Paroles by members of the General Assembly or state elected or appointed

officials; to change certain provisions relating to complaints or information regarding fraud, waste, and abuse in state programs and operations; to change certain provisions relating to the code of ethics for members of boards, commissions, and authorities; to change provisions relating to a board, commission, or authority's authority to enact rules and regulations; to provide for restrictions on activities for persons who were a member, employee, or appointee of the legislative, executive, or judicial branch or other agencies or authorities of the state; to provide for penalties; to provide for restrictions on the Governor's appointment power under certain circumstances; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended by striking Code Section 21-5-2, relating to declaration of policy, and inserting in lieu thereof the following:

"21-5-2.

It is declared to be the policy of this state, in furtherance of its responsibility to protect the integrity of the democratic process and to ensure fair elections for constitutional offices; state offices; district attorneys; members of the Georgia House of Representatives and Georgia Senate; all constitutional judicial officers; and all county and municipal elected officials, to institute and establish a requirement of public disclosure of campaign contributions and expenditures relative to the seeking of such offices, to the recall of public officers holding elective office, and to the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in any county or municipal election. Further, it is the policy of this state that the state's public affairs will be best served by disclosures of significant private interests of public officers and officials which may influence the discharge of their public duties and responsibilities. The General Assembly further finds that it is for the public to determine whether significant private interests of public officers have influenced the state's public officers to the detriment of their public duties and responsibilities and, in order to make that determination and hold the public officers accountable, the public must have reasonable access to the disclosure of the significant private interests of the public officers of this state."

SECTION 2.

Said chapter is further amended by striking Code Section 21-5-3, relating to definitions, and inserting in lieu thereof the following:

"21-5-3.

As used in this chapter, the term:

(1) 'Business entity' means any corporation, sole proprietorship, partnership, limited partnership, limited liability company, enterprise, franchise, association, trust, joint venture, or other entity, whether profit or nonprofit.

(2) 'Campaign committee' means the candidate, person, or committee which accepts contributions or makes expenditures designed to bring about the nomination or election of an individual to any elected office. The term 'campaign committee' also means any person or committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer holding elective office or to oppose the recall of a public officer holding elective office or any person or any committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in any county or municipal election.

(3) 'Campaign contribution disclosure report' means a report filed with the appropriate filing officer by a candidate or the chairperson or treasurer of a campaign committee setting forth all expenditures of \$101.00 or more and all contributions of \$101.00 or more, including contributions and expenditures of lesser amounts when the aggregate amount thereof by or to a person is \$101.00 or more for the calendar year in which the report is filed. Such report shall also include the total amount of all individual contributions received or expenditures made of less than \$101.00 each. The first report required in the calendar year of the election shall contain all such expenditures made and all such contributions received by the candidate or the committee in prior years in support of the campaign in question.

(4) 'Candidate' means an individual who seeks nomination for election or election to any public office, whether or not such an individual is elected; and a person shall be deemed to seek nomination or election if such person has taken necessary action under the laws of this state to qualify such person for nomination for election or election or has received contributions or made expenditures in pursuit of such nomination or election or has given such person's consent for such person's campaign committee to receive contributions or make expenditures with a view to bringing about such person's nomination for election or election to such office.

(5) 'Commission' means the State Ethics Commission created under Code Section 21-5-4.

1 (6) 'Connected organization' means any organization, including any corporation, labor
 2 organization, membership organization, or cooperative, which is not a political action
 3 committee, as defined in this chapter, but which, directly or indirectly, establishes or
 4 administers a political action committee or which provides more than 40 percent of the
 5 funds of the political action committee for a calendar year.

6 ~~(6)~~(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 7 advance or deposit of money or anything of value conveyed or transferred for the purpose
 8 of influencing the nomination for election or election of any person for office, bringing
 9 about the recall of a public officer holding elective office or opposing the recall of a
 10 public officer holding elective office, or the influencing of voter approval or rejection of
 11 a proposed constitutional amendment, a state-wide referendum, or a proposed question
 12 which is to appear on the ballot in any county or municipal election. The term specifically
 13 shall not include the value of personal services performed by persons who serve without
 14 compensation from any ~~sources~~ source and on a voluntary basis. The term 'contribution'
 15 shall include other forms of payment made to candidates for office or who hold office
 16 when such fees and compensation made can be reasonably construed as a campaign
 17 contribution designed to encourage or influence a candidate or public officer holding
 18 elective office. The term 'contribution' shall also encompass transactions wherein a
 19 qualifying fee required of the candidate is furnished or paid by anyone other than the
 20 candidate.

21 ~~(7)~~(8) 'Direct ownership interest' means the holding or possession of good legal or
 22 rightful title of property or the holding or enjoyment of real or beneficial use of the
 23 property by any person and includes any interest owned or held by a spouse of such
 24 person if such interest is held jointly or as tenants in common between the person and
 25 spouse.

26 ~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general;
 27 special election; or general election. The term 'election' also means a recall election.

28 ~~(8.1)~~(10) 'Election cycle' means the period from the day following the date of an election
 29 or appointment of a person to elective public office through and including the date of the
 30 next such election of a person to the same public office and shall be construed and
 31 applied separately for each elective office.

32 ~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,
 33 or gift of money or anything of value made for the purpose of influencing the nomination
 34 for election or election of any person, bringing about the recall of a public officer holding
 35 elective office or opposing the recall of a public officer holding elective office, or the
 36 influencing of voter approval or rejection of a proposed constitutional amendment, a
 37 state-wide referendum, or a proposed question which is to appear on the ballot in any

1 county or municipal election. The term specifically shall not include the value of personal
2 services performed by persons who serve without compensation from any source and on
3 a voluntary basis. The term 'expenditure' shall also include the payment of a qualifying
4 fee for and in behalf of a candidate.

5 ~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the
6 benefit of another person as an officer, director, manager, partner, or other designation
7 of general responsibility of a business entity.

8 ~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34
9 to receive campaign contribution disclosure reports; ~~provided, however, that such term~~
10 ~~shall not include the State Ethics Commission.~~

11 ~~(12) 'Gift' means any gratuitous transfer to a public officer, the spouse of the public~~
12 ~~officer, or any dependents of the public officer or a loan of property or services which is~~
13 ~~not a contribution as defined in paragraph (6) of this Code section and which is in the~~
14 ~~amount of \$101.00 or more.~~

15 ~~(12.1)~~(14) 'Independent committee' means any committee, club, association, partnership,
16 corporation, labor union, or other group of persons, other than a campaign committee,
17 political party, or political action committee, which receives donations during a calendar
18 year from persons who are members or supporters of the committee and which expends
19 such funds either for the purpose of affecting the outcome of an election for any elected
20 office or to advocate the election or defeat of any particular candidate.

21 ~~(13)~~(15) 'Intangible property' means property which is not real property and which is
22 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and
23 other investments but shall not include any ownership interest in any public or private
24 retirement or pension fund, account, or system and shall not include any ownership
25 interest in any public or private life insurance contract or any benefit, value, or proceeds
26 of such life insurance contract.

27 (16) 'Ordinary and necessary expenses' shall include, without limitation, reasonable
28 expenditures made during the reporting period for office costs and rent, lodging,
29 equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling,
30 special events, volunteers, reimbursements to volunteers, contributions to nonprofit
31 organizations, and flowers for special occasions, which shall include, but are not limited
32 to, birthdays and funerals, and any other expenditure that is deemed appropriate for the
33 purposes of Code Section 21-5-33.

34 ~~(14)~~(17) 'Person' means an individual, partnership, committee, association, corporation,
35 limited liability company, limited liability partnership, trust, labor organization, or any
36 other organization or group of persons.

37 ~~(14.1)~~(18) 'Political action committee' means:

(A) Any ~~any~~ committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations during a calendar year from persons who are members or supporters of the committee and which distributes these funds as contributions to one or more candidates for public office or campaign committees of candidates for public office; and

(B) A ~~a~~ 'separate segregated fund' as defined in Code Section 21-5-40.

Such term does not include a campaign committee.

~~(14.2)~~(19) 'Public employee' means every person employed by the executive, legislative, or judicial branch of state government, or any department, board, bureau, agency, commission, or authority thereof.

~~(15)~~(20) 'Public officer' means:

(A) Every constitutional officer;

(B) Every elected state official;

(C) The executive head of every state department or agency, whether elected or appointed;

(D) Each member of the General Assembly;

(E) The executive director of each state board or authority and the members thereof;

(F) Every elected county official and every elected member of a local board of education; and

(G) Every elected municipal official."

SECTION 3.

Said chapter is further amended by striking Code Section 21-5-5, relating to operating expenses, and inserting in lieu thereof the following:

"21-5-5.

The funds necessary to carry out this chapter shall come from the funds appropriated to and available to the State Ethics Commission and from any other available funds. The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided, however, the commission shall be assigned for administrative purposes only to the Secretary of State."

SECTION 4.

Said chapter is further amended by striking Code Section 21-5-6, relating to powers and duties of the commission, and inserting in lieu thereof the following:

"21-5-6.

(a) The commission is vested with the following powers:

(1) To meet at such times and places as it may deem necessary;

(2) To contract with other agencies, public or private, or persons as it deems necessary for the rendering and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities;

(3) To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this chapter and Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45;

(4) To employ an executive secretary and such additional staff as the commission deems necessary to carry out the powers delegated to the commission by this chapter and Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45;

(5) To issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence;

(6) To institute and prosecute actions in the superior courts, in its own name, seeking to enjoin or restrain any violation or threatened violation of this chapter;

(7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and regulations as are necessary to carry out the purposes of this chapter; and

(8) To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the power granted to it.

(b) The commission shall have the following duties:

(1) To prescribe forms to be used in complying with this chapter;

(2) To prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons required by this chapter to file statements and reports;

(3) To accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

(4) To develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter;

(5) To adopt a retention standard for records of the commission in accordance with Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';

(6) To prepare and publish such other reports and technical studies as in its judgment will tend to promote the purposes of this chapter;

(7) To provide for public dissemination of such summaries and reports;

(8) To determine whether the required statements and reports have been filed and, if so, whether they conform to the requirements of this chapter;

(9) To make investigations, subject to the limitations contained in Code Section 21-5-7, with respect to the statements and reports filed under this chapter and with respect to

1 alleged failure to file any statements or reports required under this chapter and upon
2 receipt of the written complaint of any person, verified under oath to the best information,
3 knowledge, and belief by the person making such complaint with respect to an alleged
4 violation of any provision of this chapter, provided that nothing in this Code section shall
5 be construed to limit or encumber the right of the commission to initiate on probable
6 cause an investigation on its own cognizance as it deems necessary to fulfill its
7 obligations under this chapter;

8 (10)(A) To conduct a preliminary investigation, subject to the limitations contained in
9 Code Section 21-5-7, of the merits of a written complaint by any person who believes
10 that a violation of this chapter has occurred, verified under oath to the best information,
11 knowledge, and belief by the person making such complaint. If there are found no
12 reasonable grounds to believe that a violation has occurred, the complaint shall be
13 dismissed, subject to being reopened upon discovery of additional evidence or relevant
14 material. If the commission determines that there are such reasonable grounds to believe
15 that a violation has occurred, it shall give notice by summoning the persons believed
16 to have committed the violation to a hearing. The hearing shall be conducted in all
17 respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
18 Procedure Act.' The commission may file a complaint charging violations of this
19 chapter, and any person aggrieved by the final decision of the commission is entitled
20 to judicial review in accordance with Chapter 13 of Title 50; provided, however, that
21 nothing in this Code section shall be construed to limit or encumber the right of the
22 commission to initiate on probable cause an investigation on its own cognizance as it
23 deems necessary to fulfill its obligations under this chapter.

24 (B) In any such preliminary investigation referenced in subparagraph (A) of this
25 paragraph, until such time as the commission determines that there are reasonable
26 grounds to believe that a violation has occurred, it shall not be necessary to give the
27 notice by summons nor to conduct a hearing in accordance with Chapter 13 of Title 50,
28 the 'Georgia Administrative Procedure Act';

29 (11) To report suspected violations of law to the appropriate law enforcement authority;

30 (12) To investigate upon a written complaint any illegal use of ~~state~~ public employees
31 in a political campaign by any candidate;

32 (13) To issue, upon written request, and publish advisory opinions on the requirements
33 of this chapter and Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter
34 10 of Title 45, based on a real or hypothetical set of circumstances; and each such
35 advisory opinion shall be issued within 30 days of the written request for the advisory
36 opinion;

1 (14) To issue orders, after the completion of appropriate proceedings, directing
2 compliance with this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of Article
3 2 of Chapter 10 of Title 45 or prohibiting the actual or threatened commission of any
4 conduct constituting a violation, which order may include a provision requiring the
5 violator:

6 (A) To cease and desist from committing further violations;

7 (B) To make public complete statements, in corrected form, containing the information
8 required by this chapter;

9 (C)(i) To pay a civil penalty not to exceed ~~\$1,000.00~~ \$10,000.00 for each violation
10 contained in any report required by this chapter or for each failure to comply with any
11 other provision of this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of
12 Article 2 of Chapter 10 of Title 45 or of any rule or regulation promulgated under this
13 chapter.

14 (ii) A civil penalty shall not be assessed against any person except after notice and
15 hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure
16 Act.' The amount of any civil penalty finally assessed shall be recoverable by a civil
17 action brought in the name of the commission. The civil penalty shall not be paid from
18 campaign funds unless expressly allowed by the commission. All moneys recovered
19 pursuant to this Code section shall be deposited in the state treasury.

20 (iii) The Attorney General of this state shall, upon complaint by the commission, or
21 may, upon the Attorney General's own initiative if after examination of the complaint
22 and evidence the Attorney General believes a violation has occurred, bring an action
23 in the superior court in the name of the commission for a temporary restraining order
24 or other injunctive relief or for civil penalties assessed against any person violating
25 any provision of this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of
26 Article 2 of Chapter 10 of Title 45 or any rule or regulation duly issued by the
27 commission.

28 (iv) Any action brought by the Attorney General to enforce civil penalties assessed
29 against any person for violating the provisions of this chapter or Code Sections
30 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 or any rule or
31 regulation duly issued by the commission or any order issued by the commission
32 ordering compliance or to cease and desist from further violations shall be brought in
33 the superior court of the county of the residence of the party against whom relief is
34 sought. Service of process shall lie in any jurisdiction within the state. In such actions,
35 the superior court inquiry will be limited to whether notice was given by the
36 commission to the violator in compliance with the Constitution and the rules of
37 procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter
 2 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall
 3 enforce the orders of the commission and the civil penalties assessed under this
 4 chapter and the superior court shall not make independent inquiry as to whether the
 5 violations have occurred.

6 (v) In any action brought by the Attorney General to enforce any of the provisions
 7 of this chapter or of any rule or regulation issued by the commission, the judgment,
 8 if in favor of the commission, shall provide that the defendant pay to the commission
 9 the costs, including reasonable attorneys' fees, incurred by the commission in the
 10 prosecution of such action;

11 (15) To make public its conclusion that a violation has occurred and the nature of such
 12 violation;

13 (16) To petition the superior court within the county where the hearing was or is being
 14 conducted for the enforcement of any order issued in connection with such hearing; ~~and~~

15 (17) To report to the General Assembly and the Governor at the close of each fiscal year
 16 concerning the action taken during that time, the names, salaries, and duties of all
 17 individuals employed, and the funds disbursed and to make such further report on the
 18 matters within its jurisdiction as may appear desirable; and

19 (18) To carry out the procedures, duties, and obligations relative to the commission set
 20 forth in Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title
 21 45.

22 ~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~
 23 ~~ministerial functions which the commission may require. The office of the Secretary of~~
 24 ~~State shall be designated as the place where members of the public may file papers or~~
 25 ~~correspond with the commission and receive any form or instruction from the commission.~~
 26 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~
 27 ~~commission.~~

28 (c) In any matter pending before the commission, if a member of the commission has
 29 made or caused to be made a contribution in the current or immediately preceding election
 30 cycle to any respondent, any other party to the complaint, any candidate who opposed the
 31 respondent in any election in the current or immediately preceding election cycle, or the
 32 campaign committee of any of the foregoing, that member shall recuse himself or herself
 33 from consideration of the matter. The commission may, upon motion, order the recusal of
 34 a member.

35 (d) The State Ethics Commission shall have the same powers and duties with respect to
 36 Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 as the
 37 commission has with respect to this chapter.

1 (e) The Attorney General shall have the same powers and duties with respect to Code
2 Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 as the
3 Attorney General has with respect to this chapter. Without limiting the generality of the
4 foregoing it is specifically provided that the Attorney General may bring civil actions for
5 the enforcement of Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter
6 10 of Title 45 in the same general manner as provided in this chapter."

7 SECTION 5.

8 Said chapter is further amended by striking Code Section 21-5-7, relating to initiation of
9 complaints, and inserting in lieu thereof the following:

10 "21-5-7.

11 (a) The commission shall not initiate any investigation or inquiry into any matter under its
12 jurisdiction based upon the complaint of any person unless that person shall reduce the
13 same in writing and verify the same under oath to the best information, knowledge, and
14 belief of such person, the falsification of which shall be punishable as false swearing under
15 Code Section 16-10-71. The person against whom any complaint is made shall be
16 furnished by hand delivery or statutory overnight delivery or mailed by certified mail,
17 return receipt requested, a copy of the complaint by the commission immediately upon the
18 commission's receipt of such complaint and prior to any other public dissemination of such
19 complaint. Nothing in this Code section, however, shall be construed to limit or encumber
20 the right of the commission to initiate on probable cause an investigation on its own
21 cognizance as it deems necessary to fulfill its obligations under this chapter.

22 ~~(b) The commission shall adopt rules which shall provide that:~~

23 ~~(1) Upon the commission's receipt of a complaint, a determination shall be made as to~~
24 ~~whether the complaint relates to an alleged technical defect in a filing. For this purpose,~~
25 ~~a technical defect shall be a defect such as a failure to include a date or an incorrect date,~~
26 ~~a failure to include a contributor's occupation or an incorrect occupation, a failure to~~
27 ~~include an address or an incorrect address, or any other similar technical defect as~~
28 ~~specified by rule of the commission;~~

29 ~~(2) When the commission determines that a complaint relates to a technical defect in a~~
30 ~~filing, the subject of the complaint shall be given a period of ten days to correct the~~
31 ~~alleged technical defect. During such ten-day period the complaint shall be considered~~
32 ~~as received by the commission but not yet filed with the commission. If during such~~
33 ~~ten-day period the alleged technical violation is cured by an amended filing or otherwise,~~
34 ~~or if during such ten-day period the subject of the complaint demonstrates that there is~~
35 ~~no technical violation as alleged, the complaint shall be disposed of without filing or~~
36 ~~further proceedings and no penalty shall be imposed."~~

SECTION 6.

Said chapter is further amended by inserting a new Code Section 21-5-7.1 to follow Code Section 21-5-7 to read as follows:

"21-5-7.1.

The commission shall adopt rules which shall provide that:

(1) Upon the commission's receipt of a complaint, a determination shall be made as to whether the complaint relates to an alleged technical defect in a filing. For this purpose, a technical defect shall be a defect such as a failure to include a date or an incorrect date, a failure to include a contributor's occupation or an incorrect occupation, a failure to include an address or an incorrect address, or any other similar technical defect as specified by rule of the commission;

(2) When the commission determines that a complaint relates to a technical defect in a filing, the subject of the complaint shall be issued a notice of an alleged technical defect by certified mail, return receipt requested, or statutory overnight delivery and shall be given a period of 30 calendar days from the receipt of the notice to correct the alleged technical defect. During the 30 day period the complaint shall be considered as received by the commission but not yet filed with the commission and shall not be considered a violation of this chapter. If during the 30 day period the alleged technical violation is cured by an amended filing or otherwise or if during the 30 day period the subject of the complaint demonstrates that there is no technical violation as alleged, the complaint shall be disposed of without filing or further proceedings and no penalty shall be imposed. If the subject of the complaint fails to respond to the notice of an alleged technical defect, make an amended filing, or demonstrate that there is no technical violation as alleged by the thirty-first day, the commission shall impose and collect an administrative fee not to exceed \$50.00 per technical defect. If the subject of the complaint does not pay the administrative fee, if any, and does not otherwise also comply with this paragraph by the sixtieth day from the receipt of the notice of an alleged technical defect, the commission shall conduct further investigation and the complaint may proceed further in accordance with the provisions of this chapter; and

(3) When the commission determines in its discretion that best efforts have been made to complete a required filing, said filing shall be considered in compliance with this chapter and any complaint relative to said filing shall be dismissed."

SECTION 7.

Said chapter is further amended by striking Code Section 21-5-12, relating to connected organizations, and inserting in lieu thereof the following:

1 "21-5-12.

2 ~~(a) As used in this Code section, the term 'connected organization' means any organization,~~
3 ~~including any corporation, labor organization, membership organization, or cooperative,~~
4 ~~which is not a political action committee, as defined in this article, but which, directly or~~
5 ~~indirectly, establishes or administers a political action committee or which provides more~~
6 ~~than 40 percent of the funds of the political action committee for a calendar year.~~

7 ~~(b)~~(a) The name of each political action committee shall include the name of its connected
8 organization.

9 ~~(c)~~(b) The name of any separate segregated fund, as defined in Code Section 21-5-40, shall
10 include the name of its connected organization."

11 SECTION 8.

12 Said chapter is further amended by inserting a new Code Section 21-5-13 to follow Code
13 Section 21-5-12 to read as follows:

14 "21-5-13.

15 (a) No elected public officer or employee or agent of an elected public officer shall
16 advocate for or cause the receipt or award of any state contract to a person who has made
17 a campaign contribution to the elected public officer or the elected public officer's
18 campaign committee in the current or immediately preceding election cycle.

19 (b) No elected public officer or employee or agent of an elected public officer shall
20 advocate for or cause the receipt or award of any state contract to any person who employs
21 the elected public officer."

22 SECTION 9.

23 Said chapter is further amended by striking Code Section 21-5-30, relating to contributions
24 made to a candidate or a campaign committee or for the recall of a public officer, and
25 inserting in lieu thereof the following:

26 "21-5-30.

27 (a) Except as provided in subsection (e) of Code Section 21-5-31 21-5-34, no contributions
28 to bring about the nomination or election of a candidate for any office shall be made except
29 directly to a candidate or such candidate's campaign committee which is organized for the
30 purpose of bringing about the nomination or election of any such candidate; and no
31 contributions to bring about the recall of a public officer or to oppose the recall of a public
32 officer or to bring about the approval or rejection by the voters of a proposed constitutional
33 amendment, state-wide referendum, or other issue at the municipal or county level shall be
34 accepted except directly by a campaign committee organized for that purpose.

(b) Each candidate shall maintain records and file reports as required by this chapter or shall have a campaign committee for the purposes of maintaining records and filing reports as required by this chapter. Every campaign committee shall have a chairperson and a treasurer, except that the candidate may serve as the chairperson and treasurer. Before a campaign committee accepts contributions, the name and address of the chairperson and treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been elected to public office, the registration of that candidate's campaign committee with the ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in office until and unless:

(1) The ~~the~~ registration is canceled by the campaign committee or the candidate; or

(2) A ~~a~~ new campaign committee for that candidate is registered with the ~~Secretary of State~~ commission.

The same person may serve as chairperson and treasurer. No contributions shall be accepted by or on behalf of the campaign committee at a time when there is a vacancy in the office of chairperson or treasurer of the campaign committee.

(c) Contributions of money received pursuant to subsection (a) of this Code section shall be deposited in the separate campaign depository account opened and maintained by the candidate or the campaign committee for the purpose for which such campaign committee was organized. Such account may be an interest-bearing account; provided, however, that any interest earned on such account shall be deemed contributions and may only be used for the purposes allowed under this chapter. Those who elect the separate accounting option may also open, but are not required to open, a separate campaign depository account for each election for which contributions are accepted beyond their next upcoming election.

(d) Where separate contributions of less than \$101.00 are knowingly received from a common source, such contributions shall be aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement, members of the same family, firm, or partnership or employees of the same person, as defined in paragraph ~~(14)~~ (17) of Code Section 21-5-3, shall be considered to be a common source; provided, however, that the purchase of tickets for not more than \$25.00 each and for or attendance at a fundraising event by members of the same family, firm, or partnership or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.

(e) The making and acceptance of anonymous contributions are prohibited. Any anonymous contributions received by a candidate or campaign committee shall be transmitted to the director of the Office of Treasury and Fiscal Services for deposit in the state treasury, and the fact of such contribution and transmittal shall be reported to the commission.

(f) A person acting on behalf of a public utility corporation regulated by the Public Service Commission shall not make, directly or indirectly, any contribution to a political campaign. This subsection shall not apply to motor carriers whose rates are not regulated by the Public Service Commission. Any person who knowingly violates this subsection with respect to a member of the Public Service Commission, a candidate for the Public Service Commission, or the campaign committee of a candidate for the Public Service Commission shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years or by a fine not to exceed ~~\$5,000.00~~ \$10,000.00, or both; and any person who knowingly violates this subsection with respect to any other public officer, a candidate for such other public office, or the campaign committee of a candidate for such other public office shall be guilty of a misdemeanor.

(g) Neither a candidate who is not a public officer nor his or her campaign committee may lawfully accept a campaign contribution until the candidate has filed with the ~~Secretary of State~~ commission or appropriate local filing officer a declaration of intention to accept campaign contributions which shall include the name and address of the candidate and the names and addresses of his or her campaign committee officers, if any."

SECTION 10.

Said chapter is further amended by striking Code Section 21-5-31, relating to contributions or expenditures other than through candidate or committee and disclosure of extensions of credit, and inserting in lieu thereof the following:

"21-5-31.

~~(a) Any person who accepts contributions for, makes contributions to, or makes expenditures on behalf of candidates is subject to the same disclosure requirements of this chapter as a candidate, except that contributions from individuals made directly to a candidate or his campaign committee do not require separate reporting, except that contributions from persons as defined in paragraph (14) of Code Section 21-5-3 which do not exceed \$500.00 in the aggregate or which are made to only one candidate, regardless of the amount, do not require separate reporting, and except that copies of campaign contribution disclosure reports do not have to be filed with local election superintendents as required of candidates for membership in the General Assembly pursuant to paragraph (1) of subsection (a) of Code Section 21-5-34.~~

~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of credit, the campaign contribution disclosure report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit, and, if any such persons~~

1 ~~shall have a fiduciary relationship to the lending institution or party making the advance~~
2 ~~or extension of credit, the report shall specify such relationship. Reserved~~"

3 SECTION 11.

4 Said chapter is further amended by striking Code Section 21-5-33, relating to disposition of
5 contributions, and inserting in lieu thereof the following:

6 "21-5-33.

7 (a) Contributions to a candidate, a campaign committee, or a public officer holding
8 elective office and any proceeds from investing such contributions shall be utilized only
9 to defray ordinary and necessary expenses, which may include any loan of money from a
10 candidate or public officer holding elective office to the campaign committee of such
11 candidate or such public officer, incurred in connection with such candidate's campaign
12 for elective office or such public officer's fulfillment or retention of such office.

13 (b)(1) All contributions received by a candidate or such candidate's campaign committee
14 or a public officer holding elective office in excess of those necessary to defray expenses
15 pursuant to subsection (a) of this Code section and as determined by such candidate or
16 such public officer may only be used as follows:

17 (A) As contributions to any charitable organization described in 26 U.S.C. 170(c) as
18 said federal statute exists on March 1, 1986, and which additionally shall include
19 educational, eleemosynary, and nonprofit organizations;

20 (B) Except as otherwise provided in subparagraph (D) of this paragraph, for transferral
21 ~~without limitation~~ not to exceed in the aggregate the amount of \$5,000.00 per election
22 cycle to any national, state, or local committee of any political party or ~~to~~ for transferral
23 to any candidate;

24 (C) For transferral without limitation to persons making such contributions, not to
25 exceed the total amount cumulatively contributed by each such transferee;

26 (D) For use in future campaigns for only that elective office for which those
27 contributions were received. With respect to contributions held on January 1, 1992, or
28 received thereafter, in the event the candidate, campaign committee, or public officer
29 holding elective office has not designated, prior to receiving contributions to which this
30 Code section is applicable, the office for which campaign contributions are received
31 thereby, those contributions shall be deemed to have been received for the elective
32 office which the candidate held at the time the contributions were received or, if the
33 candidate did not then hold elective office, those contributions shall be deemed to have
34 been received for that elective office for which that person was a candidate most
35 recently following the receipt of such contributions; or

36 (E) For repayment of any prior campaign obligations incurred as a candidate.

(2) Any candidate or public officer holding elective office may provide in the will of such candidate or such public officer that the contributions shall be spent in any of the authorized manners upon the death of such candidate or such public officer; and, in the absence of any such direction in the probated will of such candidate or such public officer, the contributions shall be paid to the treasury of the state party with which such candidate or such public officer was affiliated in such candidate's or such public officer's last election or elective office after the payment of any expenses pursuant to subsection (a) of this Code section. Notwithstanding any other provisions of this paragraph, the personal representative or executor of the estate shall be allowed to use or pay out funds in the campaign account in any manner authorized in subparagraphs (A) through (E) of paragraph (1) of this subsection.

(c) Contributions and interest thereon, if any, shall not constitute personal assets of such candidate or such public officer.

(d)(1) Contributions received by a campaign committee designed to bring about the recall of a public officer holding elective office or to oppose the recall of a public officer holding elective office or any person or to bring about the approval or rejection by the voters of any proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in any county or municipal election and any proceeds derived from investing such contributions shall be utilized only to defray ordinary and necessary expenses associated with influencing the voters on such issue.

(2) All contributions received by a campaign committee as provided in paragraph (1) of this subsection in excess of those necessary to defray expenses relative to the influencing of voters on such issue as determined by the campaign committee may only be used as follows:

(A) Contributions to any charitable organization described in 26 U.S.C. 170(c) as such federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations; or

(B) For repayment on a pro rata basis to persons making such contributions."

SECTION 12.

Said chapter is further amended by striking Code Section 21-5-34, relating to disclosure reports, and inserting in lieu thereof the following:

"21-5-34.

(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office except county and municipal offices or the General Assembly and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or

to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment or state-wide referendum shall sign and file with the ~~Secretary of State~~ commission the required campaign contribution disclosure reports. A candidate for membership in the General Assembly or the chairperson or treasurer of such candidate's campaign committee shall file such candidate's reports with the ~~Secretary of State~~ commission and a copy thereof with the election superintendent of the county of such candidate's residence.

(B) The chairperson or treasurer of each independent committee as defined in Code Section 21-5-3 shall file the required disclosure reports with the ~~Secretary of State~~ commission.

(2)(A) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in any county or municipal election shall file a campaign contribution disclosure report as prescribed by this chapter; provided, however, that such report shall only be required if such campaign committee has received contributions which total more than \$500.00 or if such campaign committee has made expenditures which total more than \$500.00. All advertising pertaining to referendums ~~must~~ shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

(B) If a campaign committee is required to file a report under subparagraph (A) of this paragraph, such report shall be filed with the election superintendent of the county in the case of a county election or with the municipal clerk in the case of a municipal election. Any such report shall be filed 15 days prior to the date of the election; and a final report shall be filed prior to December 31 of the year in which the election is held.

(3) A candidate for county office or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required campaign contribution disclosure reports with the election superintendent in the respective county of election.

(4) A candidate for municipal office or such candidate's campaign committee shall file the reports with the municipal clerk in the respective municipality of election or, if there is no clerk, with the chief executive officer of the municipality.

(b)(1) All reports shall list the following:

(A) ~~The~~ As to any contributions of \$101.00 or more, its amount and date of receipt, ~~along with the name; and mailing address; occupation, and employer of any person making a contribution of \$101.00 or more, including~~ of the person making the contribution, and, if that person is an individual, that person's occupation and the name of his or her employer. Such contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar

1 fundraising events coordinated for the purpose of raising campaign contributions for
2 the reporting ~~candidate~~ person;

3 ~~(B) The name and mailing address and occupation or place of employment of any~~
4 ~~person to whom an expenditure of \$101.00 or more is made and the amount, date, and~~
5 ~~general purpose of such expenditure; As to any expenditure of \$101.00 or more, its~~
6 ~~amount and date of expenditure, the name and mailing address of the person receiving~~
7 ~~the expenditure, and, if that person is an individual, that person's occupation and the~~
8 ~~name of his or her employer and the general purpose of the expenditure;~~

9 (C) When a contribution consists of a loan, advance, or other extension of credit, the
10 report shall also contain the name of the lending institution or party making the advance
11 or extension of credit and the names, mailing addresses, occupations, and places of
12 employment of all persons having any liability for repayment of the loan, advance, or
13 extension of credit; and, if any such persons shall have a fiduciary relationship to the
14 lending institution or party making the advance or extension of credit, the report shall
15 specify such relationship;

16 (D) Total contributions received and total expenditures made as follows:

17 (i) Contributions and expenditures shall be reported for the applicable reporting
18 cycle;

19 (ii) A reporting cycle shall commence on January 1 of the year in which an election
20 is to be held for the public office to which a candidate seeks election and shall
21 conclude:

22 (I) At the expiration of the term of office if such candidate is elected and does not
23 seek reelection or election to some other office;

24 (II) On December 31 of the year in which such election was held if such candidate
25 is unsuccessful; or

26 (III) If such candidate is successful and seeks reelection or seeks election to some
27 other office the current reporting cycle shall end when the reporting cycle for
28 reelection or for some other office begins;

29 (iii) The first report of a reporting cycle shall list the net balance on hand brought
30 forward from the previous reporting cycle, if any, and the total contributions received
31 during the period covered by the report;

32 (iv) Subsequent reports shall list the total contributions received during the period
33 covered by the report and the cumulative total of contributions received during the
34 reporting cycle;

35 (v) The first report of a reporting cycle shall list the total expenditures made during
36 the period covered by the report;

(vi) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting cycle, and net balance on hand; and

(vii) If a public officer seeks reelection to the same public office, the net balance on hand at the end of the current reporting cycle shall be carried forward to the first report of the applicable new reporting cycle; and

(E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution of \$101.00 or more.

(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than \$101.00 but which become reportable due to the receipt of an additional contribution or contributions which when combined with such previously received contribution or contributions cumulatively equal or exceed \$101.00.

(c) Candidates or campaign committees which accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions pursuant to subsection (g) of Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance with the following schedule:

(1) In each nonelection year on June 30 and December 31;

(2) In each year in which the candidate qualifies to run for public office:

(A) On March 31, June 30, September 30, October 25, and December 31;

(B) Six days before any run-off primary or election in which the candidate is listed on the ballot; and

(C) During the period of time between the last report due prior to the date of any ~~state-wide primary or state-wide~~ election for which the candidate is qualified and the date of such primary or election, all contributions of \$1,000.00 or more ~~must~~ shall be reported within 48 hours of receipt to the location where the original disclosure report for such candidate or committee was filed and also reported on the next succeeding regularly scheduled campaign contribution disclosure report;

(3) If the candidate is candidate in a special primary or special primary runoff, 15 days prior to the special primary and six days prior to the special primary runoff; and

(4) If the candidate is candidate in a special election or special election runoff, 15 days prior to the special election and six days prior to the special election runoff.

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within 48 hours. The mailing of such reports by

1 United States mail with adequate postage affixed, within the required filing time as
2 determined by the official United States postage date cancellation, shall be prima-facie
3 evidence of filing but reports required to be filed within 48 hours of a contribution ~~must~~
4 shall also be reported by facsimile, electronic transmission, or otherwise within those 48
5 hours to the location where the original disclosure report for such candidate or committee
6 was filed. A report or statement required to be filed by this Code section other than a report
7 of contributions required to be reported within 48 hours shall be verified by the oath or
8 affirmation of the person filing such report or statement taken before an officer authorized
9 to administer oaths. Each report required in the calendar year of the election shall contain
10 cumulative totals of all contributions which have been received and all expenditures which
11 have been made in support of the campaign in question and which are required, or
12 previously have been required, to be reported.

13 (d) In the event any candidate covered by this chapter has no opposition in either a primary
14 or a general election and receives no contribution of \$101.00 or more, such candidate shall
15 only be required to make the initial and final report as required under this chapter.

16 (e) Any person who makes contributions to, accepts contributions for, or makes
17 expenditures on behalf of candidates, and any independent committee, shall file a
18 registration with the ~~Secretary of State~~ commission in the same manner as is required of
19 campaign committees prior to accepting or making contributions or expenditures. Such
20 persons, other than independent committees, shall also file campaign contribution
21 disclosure reports in the same places and at the same times as required of the candidates
22 they are supporting, but such persons are not required to file copies of campaign
23 contribution disclosure reports with local election superintendents as is required of
24 candidates for membership in the General Assembly. The following persons shall be
25 exempt from the foregoing registration and reporting requirements:

26 (1) Individuals making aggregate contributions of \$25,000.00 or less directly to
27 candidates or the candidates' campaign committees in one calendar year; ~~and~~

28 (2) Persons other than individuals making aggregate contributions and expenditures to
29 or on behalf of candidates of \$5,000.00 or less in one calendar year; and

30 (3) Contributors who make contributions to only one candidate during one calendar year,
31 regardless of the amount contributed.

32 (f)(1) Any independent committee which accepts contributions or makes expenditures
33 for the purpose of affecting the outcome of an election or advocates the election or defeat
34 of any candidate shall file disclosure reports with the ~~Secretary of State~~ commission as
35 follows:

36 (A) On ~~on~~ the first day of each of the two calendar months preceding any such
37 election;

1 (B) Two ~~two~~ weeks prior to the date of such election; and

2 (C) Within ~~within~~ the two-week period prior to the date of such election the
3 independent committee shall report within 48 hours any contributions or expenditure
4 of more than \$1,000.00.

5 The independent committee shall file a final report prior to December 31 of the year in
6 which the election is held and shall file supplemental reports on June 30 and December
7 31 of each year that such independent committee continues to accept contributions or
8 make expenditures.

9 (2) Reports filed by independent committees shall list the following:

10 (A) The amount and date of receipt, along with the name, mailing address, occupation,
11 and employer of any person making a contribution of \$101.00 or more;

12 (B) The name, mailing address, occupation, and employer of any person to whom an
13 expenditure or provision of goods or services of the value of \$101.00 or more is made
14 and the amount, date, and general purpose thereof, including the name of the candidate
15 or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the
16 expenditure or provision was made;

17 (C) Total expenditures made as follows:

18 (i) Expenditures shall be reported for the applicable reporting year;

19 (ii) The first report of a reporting year shall list the total expenditures made during
20 the period covered by the report; and

21 (iii) Subsequent reports shall list the total expenditures made during the period
22 covered by the report, the cumulative total of expenditures made during the reporting
23 year, and net balance on hand; and

24 (D) The corporate, labor union, or other affiliation of any political action committee,
25 candidate, campaign committee, or independent committee making a contribution of the
26 value of \$101.00 or more.

27 (3) Whenever any independent committee makes an expenditure for the purpose of
28 financing any communication intended to affect the outcome of an election, such
29 communication shall clearly state that it has been financed by such independent
30 committee.

31 (g) Any campaign committee which accepts contributions or makes expenditures designed
32 to bring about the recall of a public officer or to oppose the recall of a public officer shall
33 file campaign contribution disclosure reports with the ~~Secretary of State~~ commission as
34 follows:

35 (1) An initial report shall be filed within 15 days after the date when the official recall
36 petition forms were issued to the sponsors;

37 (2) A second report shall be filed 45 days after the filing of the initial report;

1 (3) A third report shall be filed within 20 days after the election superintendent certifies
2 legal sufficiency or insufficiency of a recall petition;

3 (4) A final report shall be filed prior to December 31 of the year in which the recall
4 election is held or, in any case where such recall election is not held, a final report shall
5 be filed prior to December 31 of any year in which such campaign committee accepts
6 such contributions or makes such expenditures; and

7 (5) In the case of state officials or county officials, a copy of each of the reports shall
8 also be filed with the election superintendent in the county of residence of the official
9 sought to be recalled. In the case of municipal officials, a copy of the reports shall also
10 be filed with the municipal clerk in the municipality of residence of the official sought
11 to be recalled or, if there is no clerk, with the chief executive officer of the municipality.
12 Each filing officer shall forward a copy of the reporting forms required by this Code
13 section to each candidate or public officer holding elective office required to file such
14 report within a reasonable time prior to each filing.

15 (h) Any campaign committee which accepts contributions or makes expenditures designed
16 to bring about the approval or rejection by the voters of a proposed constitutional
17 amendment or a state-wide referendum shall file a campaign contribution disclosure report
18 with the ~~Secretary of State~~ commission 75, 45, and 15 days prior to the date of the election
19 and shall file a final report prior to December 31 of the year in which the election is held.

20 (i) In any county in which the county board of elections does not maintain an office open
21 to the public during normal business hours for five days a week, the reports required by this
22 Code section shall be filed in the office of the judge of the probate court of that county.

23 (j)(1) Any person elected to a public office who is required to file campaign contribution
24 disclosure reports pursuant to this article shall, upon leaving public office with excess
25 contributions, be required to file supplemental campaign contribution disclosure reports
26 on June 30 and December 31 of each year until such contributions are expended in a
27 campaign for elective office or used as provided in subsection (b) of Code Section
28 21-5-33.

29 (2) Any person who is an unsuccessful candidate in an election and who is required to
30 file campaign contribution disclosure reports pursuant to this article shall for the
31 remainder of the reporting cycle file such reports at the same times as a successful
32 candidate and thereafter, upon having excess contributions from such campaign, be
33 required to file a supplemental campaign contribution disclosure report no later than
34 December 31 of each year until such contributions are expended in a campaign for
35 elective office or used as provided in subsection (b) of Code Section 21-5-33. Any
36 unsuccessful candidate in an election who is required to file campaign contribution
37 disclosure reports pursuant to this article and who receives contributions following such

1 election to retire debts incurred in such campaign for elective office shall be required to
2 file a supplemental campaign contribution disclosure report no later than December 31
3 of each year until such unpaid expenditures from such campaign are satisfied.

4 (k) Notwithstanding any other provision of this chapter to the contrary, soil and water
5 conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the
6 'Soil and Water Conservation Districts Law,' shall not be required to file campaign
7 contribution disclosure reports under this Code section.

8 (l) In addition to other penalties provided under this chapter, an additional filing fee of
9 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00
10 shall be imposed on the fifteenth day after the due date if the report has still not been filed;
11 provided, however, a 15 day extension period shall be granted on the final report.

12 (m) It shall be the duty of the commission or any other officer or body which receives for
13 filing any disclosure report or statement or other document required to be filed under this
14 chapter to maintain with the filed document a copy of the postal markings or statutory
15 overnight delivery service markings of any envelope, package, or wrapping in which the
16 document was delivered for filing if mailed or sent after the date such filing was due."

17 SECTION 13.

18 Said chapter is further amended by striking Code Section 21-5-34.1, relating to filing
19 campaign contribution disclosure reports electronically, and inserting in lieu thereof the
20 following:

21 "21-5-34.1.

22 (a) ~~Beginning February 1, 2001, candidates~~ Candidates seeking election to constitutional
23 offices, the Supreme Court, the Court of Appeals, and the Public Service Commission shall
24 use electronic means to file their campaign contribution disclosure reports with the
25 ~~Secretary of State~~ commission upon having raised or spent a minimum of \$20,000.00 in
26 an election cycle. Under that threshold, electronic filing is permitted and encouraged but
27 not required.

28 (b) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to the General
29 Assembly, superior courts, and the office of district attorney shall use electronic means to
30 file their campaign contribution disclosure reports with the ~~Secretary of State~~ commission,
31 as specified in Code Section 21-5-34, upon having raised or spent a minimum of
32 \$10,000.00 in an election cycle, but contributions and expenditures received or made prior
33 to reaching such threshold need not be electronically filed if previously reported, except
34 as cumulative totals. Under that threshold, electronic filing is permitted and encouraged
35 but not required.

1 (c) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to county or
2 municipal offices shall use electronic means to file their campaign contribution disclosure
3 reports with the election superintendent of their county or the municipal clerk or chief
4 executive officer of their municipality, as specified in Code Section 21-5-34, upon having
5 raised or spent a minimum of \$10,000.00 in an election cycle, but contributions and
6 expenditures received or made prior to reaching such threshold need not be electronically
7 filed if previously reported, except as cumulative totals. Under that threshold, electronic
8 filing is permitted and encouraged but not required.

9 (d) ~~Beginning January 1, 2003, political~~ Political action committees, independent
10 committees, and any persons otherwise required by this article to file campaign
11 contribution disclosure reports shall use electronic means to file such reports with the
12 ~~Secretary of State~~ commission upon having raised or spent \$5,000.00 in a calendar year.
13 Under that threshold, electronic filing is permitted and encouraged but not required.

14 (e) When campaign contribution disclosure reports are filed electronically as provided in
15 subsections (a) through (d) of this Code section, ~~the original report shall be filed at the~~
16 ~~same location~~ the candidates, political action committees, independent committees, and any
17 other person required by this article to file campaign contribution disclosure reports with
18 the commission shall also file the original campaign contribution disclosure summary
19 report showing the net balance on hand and the verification by oath or affirmation of the
20 campaign contribution disclosure report with the commission.

21 (f) No funds raised or spent prior to the implementation date of electronic filing shall be
22 counted toward the appropriate threshold.

23 (g) The commission is authorized to promulgate rules and regulations to implement this
24 Code section."

25 SECTION 14.

26 Said chapter is further amended by striking Code Section 21-5-35, relating to acceptance of
27 contributions during legislative sessions, and inserting in lieu thereof the following:

28 "21-5-35.

29 (a) No member of the General Assembly or that member's campaign committee or public
30 officer elected state wide or campaign committee of such public officer shall accept or
31 solicit a contribution or solicit a pledge of a contribution during a legislative session.

32 (b) Subsection (a) of this Code section shall not apply to:

33 (1) The receipt of a contribution which is returned with reasonable promptness to the
34 donor or the donor's agent;

(2) The receipt and acceptance during a legislative session of a contribution consisting of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the legislative session; or

(3) A judicial officer elected state wide or campaign committee of such judicial officer."

SECTION 15.

Said chapter is further amended by striking Code Section 21-5-40, relating to definitions for Article 2A, and inserting in lieu thereof the following:

"21-5-40.

As used in this article, the term:

(1) 'Affiliated committees' means any two or more ~~political action committees or~~ political committees (including a separate segregated fund) established, financed, maintained, or controlled by the same ~~corporation~~ business entity, labor organization, person, or group of persons, including any parent, subsidiary, branch, division, department, or local unit thereof.

(2) 'Affiliated corporation' means with respect to any ~~corporation~~ business entity any other ~~corporation~~ business entity related thereto: as a parent ~~corporation~~ business entity; as a subsidiary ~~corporation~~ business entity; as a sister ~~corporation~~ business entity; by common ownership or control; or by control of one ~~corporation~~ business entity by the other.

(3) ~~'Corporation' means any business or nonprofit corporation organized under the laws of this state, any other state, or the United States.~~ 'Business entity' shall have the same meaning as provided in Code Section 21-5-3.

(4) 'Connected organization' shall have the same meaning as provided in Code Section 21-5-3.

~~(4)~~(5) 'Election year' shall be construed and applied separately for each elective office and means for each elective office the calendar year during which a regular or special election to fill such office is held.

(6) 'Independent committee' shall have the same meaning as provided in Code Section 21-5-3.

~~(4.1)~~(7) 'Nonelection year' shall be construed and applied separately for each elective office and means for each elective office any calendar year during which there is no regular or special election to fill such office.

~~(5)~~(8) 'Person' means an individual.

(9) 'Political action committee' shall have the same meaning as provided in Code Section 21-5-3.

(6)(10) 'Political committee' means: (A) any partnership, committee, club, association, organization, party caucus of the House of Representatives or the Senate, or similar entity (other than a ~~corporation~~ business entity) or any other group of persons or entities which makes a contribution; or (B) any separate segregated fund.

(6.1)(11) 'Political party' means any political party as that term is defined in paragraph (25) of Code Section 21-2-2, as amended; provided, however, that for purposes of this article, local, state, and national committees shall be separate political parties.

(6.2)(12) 'Public office' means the office of each elected public officer as specified in paragraph (15)(20) of Code Section 21-5-3.

(7)(13) 'Separate segregated fund' means a fund which is established, administered, and used for political purposes by a ~~corporation~~ business entity, labor organization, membership organization, or cooperative and to which the ~~corporation~~ business entity, labor organization, membership organization, or cooperative solicits contributions."

SECTION 16.

Said chapter is further amended by striking Code Section 21-5-41, relating to maximum allowable contributions, and inserting in lieu thereof the following:

"21-5-41.

(a) No person, ~~corporation~~, business entity, political action committee, connected organization, independent committee, or political party shall make, and no candidate or campaign committee shall receive from any such entity, contributions to any candidate for state-wide elected office which ~~in the aggregate for an election cycle~~ exceed:

(1) ~~Two Five~~ thousand dollars for a primary election or a special primary election;

(2) ~~One Three~~ thousand dollars for a primary run-off election or a special primary run-off election;

(3) ~~Three Five~~ thousand dollars for a general election or a special election; and

(4) ~~Two Three~~ thousand dollars for a general election runoff or a special election runoff.

(b) No person, ~~corporation~~, business entity, political action committee, connected organization, independent committee, or political party shall make, and no candidate or campaign committee shall receive from any such entity, contributions to any candidate for the General Assembly or public office other than state-wide elected office which ~~in the aggregate for an election cycle~~ exceed:

(1) Two thousand dollars for a primary election or a special primary election;

(2) One thousand dollars for a primary run-off election or a special primary run-off election;

(3) Two thousand dollars for a general election or a special election; and

(4) One thousand dollars for a general election runoff or a special election runoff.

1 (c)(1) No person, business entity, political action committee, connected organization,
2 independent committee, or political party shall make contributions to any state or local
3 political party in excess of \$5,000.00 per calendar year.

4 (2) No business entity shall make for any election contributions to any candidate which
5 when aggregated with contributions to the same candidate for the same election from any
6 affiliated business entities exceed the per election contribution limits for such candidate
7 as specified in subsection (a) of this Code section.

8 (3) No political action committee shall make for any election contributions to any
9 candidate which when aggregated with contributions to the same candidate for the same
10 election from any affiliated committees exceed the per election contribution limits for
11 such candidate as specified in subsection (a) of this Code section.

12 ~~(c)~~(d) Candidates and campaign committees may separately account for contributions
13 pursuant to Code Section 21-5-43. Candidates and campaign committees not separately
14 accounting for contributions pursuant to such Code section shall not accept contributions
15 for any election in an election cycle prior to the conclusion of the immediately preceding
16 election in such cycle; provided, however, that contributions may be accepted for a primary
17 election at any time in the election cycle prior to and including the date of such primary
18 election. At the conclusion of an election, contributions remaining unexpended may be
19 expended on succeeding elections in the election cycle, and contributions not exceeding
20 the contribution limits of this Code section may continue to be accepted for repayment of
21 campaign obligations incurred as a candidate in that election.

22 ~~(d)~~(e) Candidates and campaign committees shall designate on their disclosure reports the
23 election for which a contribution has been accepted. Any contribution not so designated
24 shall be presumed to have been accepted for the election on or first following the date of
25 the contribution.

26 ~~(e)~~(f) A contribution by a partnership shall be deemed to have been made pro rata by the
27 partners as individuals for purposes of this Code section, as well as by the partnership in
28 toto unless the partnership by proper action under its partnership agreement otherwise
29 directs allocation of the contribution among the partners. At such direction of the
30 partnership, the contribution may be allocated in any proportion among the partners,
31 including to one or some but not all. Such allocation shall be indicated on the face of any
32 instrument constituting the contribution or on an accompanying document referencing such
33 instrument.

34 ~~(f)~~(g) The limits established by this Code section shall not apply to a loan or other
35 contribution made to a campaign committee or candidate by the candidate or a member of
36 the candidate's immediate family.

(g)(h) The limits established by this Code section shall not apply to a bona fide loan made to a candidate or campaign committee by a state or federally chartered financial institution or a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation if:

(1) Such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid; and

(2) Such loan is based on the credit worthiness of the candidate and the candidate is personally liable for the repayment of the loan.

(h)(i) The limitations provided for in this Code section shall not include contributions or expenditures made by a political party in support of a party ticket or a group of named candidates.

(i)(j) At the end of the election cycle applicable to each public office as to which campaign contributions are limited by this Code section and every four years for all other elections to which this Code section is applicable, the contribution limitations in this Code section shall be raised or lowered in increments of \$100.00 by regulation of the State Ethics Commission pursuant to a determination by the commission of inflation or deflation during such cycle or four-year period, as determined by the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor, and such limitations shall apply until next revised by the commission. The commission shall adopt rules and regulations for the implementation of this subsection."

SECTION 17.

Said chapter is further amended by striking Code Section 21-5-42, relating to contributions to campaign committees deemed contributions to candidates and rules for construction, and inserting in lieu thereof the following:

"21-5-42.

For purposes of this article, a contribution to a campaign committee of a candidate for any public office shall be deemed to be a contribution to such candidate. If during any calendar year there occur both a special election including a special primary, special primary runoff, and special election runoff as appropriate and a general election for the same public office and if the same person is a candidate for nomination or election at both such special election including a special primary, special primary runoff, and special election runoff as appropriate and such general election, then this Code section shall apply. Where this Code section applies, a person, ~~corporation~~ business entity, political committee, or political party may contribute up to the maximum amount otherwise allowable under this article to such person or such person's campaign committee for the purpose of influencing such candidate's nomination or election at the special primary, special primary runoff, special

1 election, or special election runoff; and the same person, ~~corporation~~ business entity,
2 political committee, or political party may contribute up to the maximum amount otherwise
3 allowable under this article for the purpose of influencing such candidate's election at the
4 general election or general election runoff. This Code section shall be construed according
5 to the following rules:

6 (1) It is the general intent of this Code section to allow a person who is a candidate for
7 election at both a special election and a general election in the same calendar year to
8 receive up to but no more than twice the amount of contributions which could otherwise
9 be received from any one donor during the year; and

10 (2) Seeking nomination at a special primary or general primary shall be considered as
11 seeking election at the ensuing special election or general election for the purpose of
12 determining whether a person is a candidate for election at both the special election and
13 the general election and allowing the application of this Code section; but seeking
14 election at only a single primary and its ensuing election shall not bring this Code section
15 into effect."

16 SECTION 18.

17 Said chapter is further amended by striking Code Section 21-5-50, relating to filing by public
18 officers and filings by candidates for public office, and inserting in lieu thereof the following:
19 "21-5-50.

20 (a)(1) Except as modified in subsection (c) of this Code section with respect to
21 candidates for state-wide elected public office, each public officer, as defined in
22 subparagraphs (A) through (E) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, shall file
23 with the ~~Secretary of State~~ commission not before the first day of January nor later than
24 July 1 of each year in which such public officer holds office other than the year in which
25 an election is held for such public office, a financial disclosure statement for the
26 preceding calendar year; and each person who qualifies as a candidate for election as a
27 public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (20) of
28 Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission, no later than the
29 fifteenth day following the date of qualifying as a candidate, a financial disclosure
30 statement for the preceding calendar year.

31 (2) Each public officer, as defined in subparagraph (F) of paragraph ~~(15)~~ (20) of Code
32 Section 21-5-3, shall file with the election superintendent of the county of election of
33 such public officer, not before the first day of January nor later than July 1 of each year
34 in which such public officer holds office other than the year in which an election is held
35 for such public office, a financial disclosure statement for the preceding calendar year.
36 Each person who qualifies as a candidate for election as a public officer, as defined in

1 subparagraph (F) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, shall file with the
2 election superintendent of the county of election, no later than the fifteenth day following
3 the date of qualifying as a candidate, a financial disclosure statement for the preceding
4 calendar year.

5 (3) Each public officer, as defined in subparagraph (G) of paragraph ~~(15)~~ (20) of Code
6 Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if
7 there is no clerk, with the chief executive officer of such municipality, not before the first
8 day of January nor later than July 1 of each year in which such public officer holds office
9 other than the year in which an election is held for such public office, a financial
10 disclosure statement for the preceding calendar year. Each person who qualifies as a
11 candidate for election as a public officer, as defined in subparagraph (G) of paragraph
12 ~~(15)~~ (20) of Code Section 21-5-3, shall file with the municipal clerk of the municipality
13 of election or, if there is no clerk, with the chief executive officer of such municipality,
14 no later than the fifteenth day following the date of qualifying as a candidate, a financial
15 disclosure statement for the preceding calendar year.

16 (4) The filing officer shall review each financial disclosure statement to determine that
17 such statement is in compliance with the requirements of this chapter.

18 (5) A public officer shall not, however, be required to file such a financial disclosure
19 statement for the preceding calendar year in a year in which there occurs qualifying for
20 election to succeed such public officer, if such public officer does not qualify for
21 nomination for election to succeed himself or herself or for election to any other public
22 office subject to this chapter. For purposes of this subsection, a public officer shall not
23 be deemed to hold office in a year in which the public officer holds office for less than
24 15 days.

25 (b) A financial disclosure statement shall be in the form specified by the commission and
26 shall identify:

27 (1) Each monetary fee or honorarium ~~of \$101.00 or less~~ which is accepted by a public
28 officer ~~from speaking engagements, participation in seminars, discussion panels, or other~~
29 ~~activities which directly relate to the official duties of the public officer or the office of~~
30 ~~the public officer, with a statement identifying the fee or honorarium accepted and the~~
31 ~~person from whom it was accepted~~ as permitted by subsection (b) of Code Section
32 21-5-75;

33 (2) All fiduciary positions held by the candidate for public office or the public officer,
34 with a statement of the title of each such position, the name and address of the business
35 entity, and the principal activity of the business entity;

36 (3) The name, address, and principal activity of any business entity and the office held
37 by and the duties of the candidate for public office or public officer within such business

entity as of December 31 of the covered year in which such candidate or officer has a direct ownership interest which interest:

(A) Is more than ~~10~~ 5 percent of the total interests in such business; or

(B) Has a net fair market value of more than \$20,000.00;

(4) Each tract of real property in which the candidate for public office or public officer has a direct ownership interest or purchase option as of December 31 of the covered year when that interest has a ~~net~~ fair market value in excess of \$20,000.00. As used in this paragraph, the term '~~net~~ fair market' value means the appraised value of the property for ad valorem tax purposes ~~less any indebtedness thereon~~. The disclosure shall contain the county and state and general location therein where the property is located description of the property;

(5) The filer's occupation, employer, and the principal activity and address of such employer;

(6) If he or she has actual knowledge of such ownership interest or knowledge of facts which would put a reasonable and prudent person on notice of such ownership interest, the filer shall name any business or subsidiary thereof in Georgia in which the filer's spouse or dependent children, jointly or severally, own a direct ownership interest which interest:

(A) Is more than 5 percent of the total interests in such business; or

(B) Has a net fair market value of more than \$20,000.00

or in which the filer's spouse or any dependent child serves as an officer, director, equitable partner, or trustee;

(7) If the filer has received income during the last reporting year by providing legal, investment, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural, construction, or other professional services or consultations, then the filing party shall report each category from which the gross income received from all combined clients in such category exceeds \$10,000.00 and the amount of the gross income derived from the filer's services or consultations. Such categories shall be established by rule of the commission and may, without limitation, include a stock investment portfolio, electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil or gas exploration companies or both, oil and gas retail companies, banks, savings and loan associations, loan or finance companies or both, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, or liquor companies or distributors or any combination thereof, trade associations, professional associations,

1 governmental associations, associations of public employees or public officials, and
2 counties;

3 ~~(5)~~(8) All annual payments in excess of \$20,000.00 received by the public officer or any
4 business entity identified in paragraph (3) of this subsection from the state, any agency,
5 department, commission, or authority created by the state, and authorized and exempted
6 from disclosure under Code Section 45-10-25, and the agency, department, commission,
7 or authority making the payments, and the general nature of the consideration rendered
8 for the source of the payments; and

9 ~~(6)~~(9) No form prescribed by the commission shall require more information or specify
10 more than provided in the several paragraphs of this Code section with respect to what
11 is required to be disclosed.

12 (c)(1) Each person who qualifies with a political party as a candidate for party
13 nomination to a public office elected state wide (including an incumbent public officer
14 elected state wide qualifying to succeed himself or herself) shall file with the ~~Secretary~~
15 ~~of State~~ commission, not later than seven days after so qualifying, a financial disclosure
16 statement. Each person who qualifies as a candidate for election to a public office elected
17 state wide through a nomination petition or convention shall likewise file a financial
18 disclosure statement not later than seven days after filing his or her notice of candidacy.
19 Such financial disclosure statement shall comply with the requirements of subsections (a)
20 and (b) of this Code section and shall in addition identify, for the preceding five calendar
21 years:

22 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
23 year in which the candidate (whether for himself or herself or on behalf of any
24 business) or any business in which such candidate or any member of his or her family
25 has a substantial interest or is an officer of such business has transacted business with
26 the government of the State of Georgia, the government of any political subdivision of
27 the State of Georgia, or any agency of any such government; and

28 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
29 year in which the candidate or any business in which such candidate or any member of
30 his or her family has a substantial interest or is an officer of such business received any
31 income of any nature from any person who was at the time of such receipt of income
32 represented by a lobbyist registered with the commission pursuant to Article 4 of this
33 chapter.

34 (2) The financial disclosure statement required by paragraph (1) of this subsection shall
35 include an itemized list of the transactions required to be reported, including the date of,
36 dollar amount of, and parties to each such transaction. However, with respect to any
37 transactions of a privileged nature only the total amount of such transactions shall be

required to be reported, and names, dates, amounts of individual transactions, and other identifying data may be omitted; and for this purpose 'transactions of a privileged nature' shall include transactions between attorney and client, transactions between psychiatrist and patient, transactions between physician and patient, and any other transactions which are by law of a similar privileged and confidential nature.

(3) The financial disclosure statement required by paragraph (1) of this subsection shall be accompanied by a financial statement of the candidate's financial affairs for the calendar year prior to the year in which the election is held and the first quarter of the calendar year in which the election is held.

(4)(A) As used in this subsection, the term:

(i)(A) 'Agency' means any agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia or any political subdivision of the State of Georgia.

(ii)(B) 'Financial statement' means a statement of a candidate's financial affairs in a form substantially equivalent to the short form financial statement required for bank directors under the rules of the Department of Banking and Finance.

(B) ~~As used in this subsection, the term:~~

(i)(C) 'Member of the family' includes the candidate's spouse and dependent children; and

(ii)(D) 'Person' and 'transact business' shall have the meanings specified in Code Section 45-10-20.

(iii)(E) 'Substantial interest' means the direct or indirect ownership of 10 percent or more of the assets or stock of any business.

(5) Notwithstanding any other provisions of this subsection, if, due to a special election or otherwise, a person does not qualify as a candidate for nomination or election to public office until after the filing date otherwise applicable, such person shall make the filings required by this subsection within seven days after so qualifying.

(d) Beginning January 9, 2006, all state-wide elected officials and members of the General Assembly shall file financial disclosure statements electronically. Prior to such date electronic filing of financial disclosure statements by such persons is permitted and encouraged but not required."

SECTION 19.

Said chapter is further amended by striking Code Section 21-5-52, relating to filing by mail, and inserting in lieu thereof the following:

1 "21-5-52.

2 ~~Depositing of a properly addressed financial disclosure statement in the United States mails~~
3 ~~with adequate postage affixed shall constitute filing on the date of mailing.~~

4 (a) The mailing of financial disclosure statements by United States mail, with adequate
5 postage affixed, within the required filing time as determined by the official United States
6 postage date cancellation, shall be prima-facie evidence of filing.

7 (b) It shall be the duty of the commission or any other officer or body which receives for
8 filing any disclosure report or statement or other document required to be filed under this
9 chapter to maintain with the filed document a copy of the postal markings or statutory
10 overnight delivery service markings of any envelope, package, or wrapping in which the
11 document was delivered for filing if mailed or sent after the date such filing was due."

12 SECTION 20.

13 Said chapter is further amended by striking Code Section 21-5-70, relating to definitions, and
14 inserting in lieu thereof the following:

15 "21-5-70.

16 As used in this article, the term:

17 (1) 'Expenditure':

18 (A) Means a purchase, payment, distribution, loan, advance, deposit, or conveyance
19 of money or anything of value made for the purpose of influencing the actions of any
20 public officer or public employee;

21 (B) Includes any other form of payment when such can be reasonably construed as
22 designed to encourage or influence a public officer;

23 (C) Includes any gratuitous transfer, payment, subscription, advance, or deposit of
24 money, services, or anything of value, unless consideration of equal or greater value is
25 received;

26 (D) Notwithstanding division (x) of subparagraph (E) of this paragraph, includes food
27 or beverage consumed at a single meal or event by a public officer or public employee
28 or a member of the immediate family of such public officer or public employee; and

29 (E) The term shall not include:

30 (i) The value of personal services performed by persons who serve voluntarily
31 without compensation from any source;

32 (ii) A gift received from a member of the public officer's immediate family;

33 (iii) Legal compensation or expense reimbursement provided public employees and
34 public officers in the performance of their duties;

35 (iv) Promotional items generally distributed to the general public or to public officers
36 and food and beverages produced in Georgia;

(v) An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;

(vi) Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;

(vii) Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are invited. An agency shall include the Georgia House of Representatives, the Georgia Senate, committees and subcommittees of such bodies, and the governing body of each political subdivision of this state;

(viii) Campaign contributions or expenditures reported as required by Article 2 of this chapter;

(ix) A commercially reasonable loan made in the ordinary course of business; or

(x) Food, beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities.

(2) 'Filed' means the delivery to the State Ethics Commission, as specified in this article, of a document that satisfies the requirements of this article. A document is considered delivered when it is placed in the United States mail within the required filing time, properly addressed to the State Ethics Commission, as specified in this article, with adequate postage affixed.

(2.1) 'Gift' means anything of value exceeding \$50.00 including, but not limited to, food, beverages, lodging, travel, transportation, personal services, gratuities, honoraria, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money. Gift shall not include a bona fide loan made by a state or federally chartered financial institution or a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation if such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid and such loan is based on the credit worthiness of the borrower and the borrower is personally liable for the repayment of the loan. Gift shall not include those items identified in division (1)(E)(vii) of this Code section. For purposes of this paragraph, reimbursement or payment of actual and reasonable expenses for food, beverages, travel, transportation, lodging, and registration for a meeting which is provided to a public officer or employee to permit such public officer's or employees's participation in a panel or speaking engagement at the meeting shall not be considered a gift. Each gift shall be valued per occurrence. Where a gift is reported as an apportioned share or fraction of a total such as for group lodging or a group meal, then that apportionment shall be noted on the report for that gift.

1 (3) 'Identifiable group of public officers' means a description that is specifically
2 determinable by available public records.

3 (4) 'Immediate family' means a spouse or child.

4 (5) 'Lobbying' means the activity of a lobbyist while acting in that capacity.

5 (6) 'Lobbyist' means:

6 (A) Any natural person who, for compensation, either individually or as an employee
7 of another person, undertakes to promote or oppose the passage of any legislation by
8 the General Assembly, or any committee thereof, or the approval or veto of legislation
9 by the Governor;

10 (B) Any natural person who makes a total expenditure of more than \$250.00 in a
11 calendar year, not including the person's own travel, food, lodging expenses, or
12 informational material to promote or oppose the passage of any legislation by the
13 General Assembly, or any committee thereof, or the approval or veto of legislation by
14 the Governor;

15 (C) Any natural person who as an employee of the executive branch or judicial branch
16 of state government engages in any activity covered under subparagraph (A) of this
17 paragraph;

18 (D) Any natural person who, for compensation, either individually or as an employee
19 of another person, undertakes to promote or oppose the passage of any ordinance or
20 resolution by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~
21 (20) of Code Section 21-5-3, or any committee of such public officers, or the approval
22 or veto of any such ordinance or resolution;

23 (E) Any natural person who makes a total expenditure of more than \$250.00 in a
24 calendar year, not including the person's own travel, food, lodging expenses, or
25 informational material to promote or oppose the passage of any ordinance or resolution
26 by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~ (20) of
27 Code Section 21-5-3, or any committee of such public officers, or the approval or veto
28 of any such ordinance or resolution; ~~or~~

29 (F) Any natural person who as an employee of the executive branch or judicial branch
30 of local government engages in any activity covered under subparagraph (D) of this
31 paragraph;

32 (G) Any natural person who, for compensation, either individually or as an employee
33 of another person undertakes to influence a public officer or state agency in the
34 selection of a vendor to supply any goods or services to any state agency but does not
35 include a person solely on the basis that such person participates in preparing a written
36 bid, written proposal, or other document relating to a potential sale to a state agency;
37 or

(H) Any natural person who, for compensation, either individually or as an employee of another person undertakes to promote or oppose the promulgation of administrative rules or regulations by any state agency.

(7) 'Public officer' means those public officers specified under subparagraphs (A) through (G) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, as amended, except as otherwise provided in this article and also includes any public officer or employee who has any discretionary authority over, or is a member of a public body which has any discretionary authority over, the selection of a vendor to supply any goods or services to any state agency.

(8) 'State agency' means any branch of state government, agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of the state but does not include a local political subdivision, such as a county, city, or local school district or an instrumentality of such a local political subdivision.

(9) 'Vendor' means any person who sells to or contracts with any state agency for the provision of any goods or services."

SECTION 21.

Said chapter is further amended by striking Code Section 21-5-71, relating to lobbyist registration requirements, including the application, supplemental registration, expiration, docket, fees, identification cards, public rosters, and exemptions, and inserting in lieu thereof the following:

"21-5-71.

(a) No person shall engage in lobbying as defined by this article unless such person is registered with the State Ethics Commission as a lobbyist. The administration of this article is vested in the State Ethics Commission. ~~The State Ethics Commission shall be the successor to the Secretary of State with respect to such officer's former regulation of registered agents.~~

(b) Each lobbyist shall file an application for registration with the commission. The application shall be verified by the applicant and shall contain:

(1) The applicant's name, address, and telephone number;

(2) The name, address, and telephone number of the person or agency that employs, appoints, or authorizes the applicant to lobby on its behalf;

(3) A statement of the general business or purpose of each person, firm, corporation, association, or agency the applicant represents;

(4) If the applicant represents a membership group other than an agency or corporation, the general purpose and approximate number of members of the organization; ~~and~~

(5) A statement signed by the person or agency employing, appointing, or authorizing the applicant to lobby on its behalf; and

(6) If the applicant is a lobbyist within the meaning of subparagraph (G) or (H) of paragraph (6) of Code Section 21-5-70, the name of the state agency or agencies before which the applicant engages in lobbying.

(c) The lobbyist shall, within seven days of any substantial or material change or addition, file a supplemental registration indicating such substantial or material change or addition to the registration prior to its expiration. Previously filed information may be incorporated by reference. Substantial or material changes or additions shall include, but are not limited to, the pertinent information concerning changes or additions to client and employment information required by paragraphs (2), (3), and (4), and (6) of subsection (b) of this Code section.

(d) Each registration under this Code section shall expire on December 31 of each year. The commission may establish renewal procedures for those applicants desiring continuous registrations. Previously filed information may be incorporated by reference.

(e) The commission shall provide a suitable public docket for registration under this Code section with appropriate indices and shall enter promptly therein the names of the lobbyists and the organizations they represent.

~~(f)(1) Each person registering under this Code section shall pay the registration fees set forth in paragraph (2) of this subsection; provided, however, that a person who represents any state, county, municipal, or public agency, department, commission, or authority shall be exempted from payment of such registration fees and a person employed by an organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be exempted from payment of such registration fees except for payment of an initial registration fee of \$25.00.~~

~~(2) The commission shall collect the following fees:~~

~~(A) Annual lobbyist registration filed pursuant to this Code section. \$ 200.00~~

~~(B) Lobbyist supplemental registration filed pursuant to this Code section. 10.00~~

~~(C) Each lobbyist identification card issued pursuant to this Code section. 5.00~~

~~(D)~~ In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$25.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed.

(g) As soon as practicable after registering any such person, the commission shall issue to such person an identification card which shall have printed thereon the name of the lobbyist

1 and the person or agency such lobbyist represents, provided that, when any such person
2 represents more than one entity, such identification card shall have printed thereon the
3 name of the registered person and the word 'LOBBYIST.' Each lobbyist while engaged in
4 lobbying at the capitol or in a government facility shall display said identification in a
5 readily visible manner.

6 (h) The commission shall regularly publish public rosters of lobbyists along with the
7 respective persons, firms, corporations, associations, agencies, or governmental entities
8 they represent. During sessions of the General Assembly, the commission shall weekly
9 report to the Clerk of the House of Representatives, the Secretary of the Senate, and the
10 Governor those persons who have registered as lobbyists since the convening of the
11 General Assembly. The commission shall be authorized to charge a reasonable fee for
12 providing copies of the roster to the public.

13 (i) The registration provisions of this Code section shall not apply to:

14 (1) Any individual who expresses personal views, on that individual's own behalf, to any
15 public officer;

16 (2) Any person who appears before a public agency or governmental entity committee
17 or hearing for the purpose of giving testimony when such person is not otherwise required
18 to comply with the registration provisions of this Code section;

19 (3) Any public employee of an agency appearing before a governmental entity committee
20 or hearing at the request of the governmental entity or any person who furnishes
21 information upon the specific request of a governmental entity;

22 (4) Any licensed attorney appearing on behalf of a client in any adversarial proceeding
23 before an agency of this state;

24 (5) Any person employed or appointed by a lobbyist registered pursuant to this Code
25 section whose duties and activities do not include lobbying;

26 (6) Elected public officers performing the official duties of their public office; and

27 (7) A public employee who performs services at the direction of a member of the General
28 Assembly including, but not limited to, drafting petitions, bills, or resolutions; attending
29 the taking of testimony; collating facts; preparing arguments and memorials and
30 submitting them orally or in writing to a committee or member of the General Assembly;
31 and other services of like character intended to reach the reason of the legislators."

32 **SECTION 22.**

33 Said chapter is further amended by striking Code Section 21-5-73, relating to disclosure
34 reports, and inserting in lieu thereof the following:

1 "21-5-73.

2 (a) Each lobbyist registered under this article shall file disclosure reports as provided for
3 in this Code section. Beginning January 9, 2006, lobbyists shall file such reports by
4 electronic means.

5 (b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (6)
6 of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of
7 the preceding month, ~~shall be filed~~ on or before the fifth day of any month while the
8 General Assembly is in session.

9 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (6) of
10 Code Section 21-5-70 shall:

11 (1) File ~~file~~ a disclosure report, current through the end of the preceding month, on or
12 before the fifth day of May, September, and January of each year instead of the reports
13 ~~otherwise required by subsection (c)~~ subsections (b) and (d) of this Code section ~~and the~~
14 ~~first sentence of this subsection;~~ and

15 (2) File ~~file~~ such report with the commission, file a copy of such report with the election
16 superintendent of each county involved if the report contains any expenditures relating
17 to county or county school district affairs, and file a copy of such report with the
18 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the
19 municipality) of each municipality involved if the report contains any expenditures
20 relating to municipal affairs or independent school district affairs.

21 ~~(c)(d)~~ A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), or (H)
22 of paragraph (6) of Code Section 21-5-70 shall file a disclosure report, current through the
23 end of the period ending on July 31 and December 31 of each year, ~~shall be filed~~ on or
24 before August 5 and January 5 of each year.

25 ~~(d)(e)~~ Reports filed by lobbyists shall be verified and shall include:

26 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value
27 thereof made by the lobbyist, ~~or employees of the lobbyist, or employer or client of the~~
28 lobbyist on behalf or for the benefit of a public officer. The description of each reported
29 expenditure shall include:

30 (A) The name and title of the public officer or, if the expenditure is simultaneously
31 incurred for an identifiable group of public officers the individual identification of
32 whom would be impractical, a general description of that identifiable group;

33 (B) The amount, date, and description of the expenditure;

34 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures
35 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during
36 the reporting period; provided, however, expenses for travel and for food, beverage, and

lodging in connection therewith afforded a public officer shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph; and

(D) If applicable, the number of the bill, resolution, ordinance, rule, or regulation pending before the governmental entity in support of or opposition to which the expenditure was made; and

(2) The names of any public officer or any members of the immediate family of a public officer employed by or whose professional services are paid for by the lobbyist or any person on whose behalf a lobbyist is registered during the reporting period;

(3) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (6) of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist undertook to influence the awarding of a contract or contracts by any state agency together with a description of the contract or contracts and the monetary amount of the contract or contracts; and

(4) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (6) of Code Section 21-5-70, a description, by number or otherwise, of any rule or regulation promoted or opposed by the lobbyist.

(f) Any person, business entity, political action committee, independent committee, governmental department or entity, or connected organization for whom a lobbyist is registered shall be required to file an expenditure report disclosing, in aggregate amount, fees paid for lobbying whether through an independent contractor or an employee or employees. Such expenditure report shall also show by gross amounts and category the amounts spent for food, beverage, lodging, travel, transportation, personal services, gratuities, honoraria, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, advances or deposits of money, or telephone service.

(g) The reports required by this article shall be in addition to any reports required under Code Section 45-1-6, relating to required reports by state vendors of gifts to public employees. Compliance with this Code section shall not excuse noncompliance with that Code section, and compliance with that Code section shall not excuse noncompliance with this Code section, notwithstanding the fact that in some cases the same information may be required to be disclosed under both Code sections."

SECTION 23.

Said chapter is further amended by adding new Code Sections 21-5-74, 21-5-75, 21-5-76, and 21-5-77 to follow Code Section 21-5-73 to read as follows:

"21-5-74.

A lobbyist shall not be eligible for legislative or executive appointment to any board, authority, commission, or bureau created and established by the laws of this state which

1 regulates the activities of a business, firm, corporation, or agency that the lobbyist
2 represented until one year after the expiration of the lobbyist's registration.

3 21-5-75.

4 (a) Neither a lobbyist nor any person on whose behalf a lobbyist is registered shall make
5 any gift as defined in paragraph (2.1) of Code Section 21-5-70 to any public officer or
6 employee or to any person on such public officer's or employee's staff or to the public
7 officer's or employee's family, nor shall any such person accept a gift from a lobbyist or
8 from any person on whose behalf a lobbyist is registered. If a gift is accepted, it must be
9 returned or reimbursed to the donor. Where appropriate for purposes of tradition,
10 ceremony, or intergovernmental relations, or when acting as a representative of a
11 department, board, bureau, agency, commission, or authority, a public officer or employee
12 may accept a gift on behalf of such department, board, bureau, agency, commission, or
13 authority. If the gift retains value after its acceptance, the public officer or employee must
14 maintain custody of the gift no longer than reasonably necessary to arrange for the transfer
15 of custody of the gift to the public officer's or employee's department, board, bureau,
16 agency, commission, or authority or to a charitable organization on behalf of such
17 department, board, bureau, agency, commission, or authority.

18 (b)(1) Notwithstanding subsection (a) of this Code section, a part-time public officer may
19 accept a monetary fee or honorarium if:

20 (A) The public officer's private employment or profession requires public speaking;
21 and

22 (B) The speaking engagement, seminar, discussion panel, or other activity does not
23 relate to the official duties of the public officer.

24 (2) A part-time public officer who accepts a monetary fee or honorarium in accordance
25 with this Code section shall file a financial disclosure statement in accordance with Code
26 Section 21-5-50.

27 21-5-76.

28 On and after January 10, 2006, every public officer or public employee shall be prohibited
29 from registering as a lobbyist or engaging in lobbying under this article for a period of one
30 year after leaving such office.

31 21-5-77.

32 (a) No person, firm, corporation, or association shall retain or employ a lobbyist to
33 promote or oppose legislation for compensation contingent, in whole or in part, upon the
34 passage or defeat of any legislative measure or upon the receipt or award of any state

1 contract. No lobbyist shall be employed to promote or oppose legislation for compensation
2 contingent, in whole or in part, upon the passage or defeat of any legislation or upon the
3 receipt or award of any state contract.

4 (b) It shall be unlawful for any person registered pursuant to the requirements this article
5 or for any other person, except as authorized by the rules of the House or Senate, to be on
6 the floor of either house of the General Assembly while the same is in session to discuss
7 privately measures then pending in the General Assembly."

8 **SECTION 24.**

9 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
10 by striking paragraph (2.1) of Code Section 36-67A-1, relating to definitions for conflicts of
11 interest in zoning actions, and inserting in lieu thereof the following:

12 "(2.1) 'Campaign contribution' means a 'contribution' as defined in paragraph ~~(6)~~ (7) of
13 Code Section 21-5-3."

14 **SECTION 25.**

15 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
16 by striking Code Section 42-9-17, relative to appearances before the Board of Pardons and
17 Paroles by members of the General Assembly or state elected or appointed officials, and
18 inserting in lieu thereof the following:

19 "42-9-17.

20 (a) It shall be unlawful for members of the General Assembly or any other state elected or
21 appointed official to ~~accept any compensation for appearing before~~ contact the board in
22 ~~behalf of~~ with respect to a person under the jurisdiction of the board ~~and for seeking a~~
23 ~~decision on behalf of the person.~~ Nothing in this Code section shall be construed so as to
24 prohibit:

25 (1) Members of the General Assembly or state elected or appointed officials from
26 appearing before the board when their official duties require them to do so; ~~or~~

27 (2) Members of the General Assembly or state elected or appointed officials from
28 requesting information from ~~and presenting information to~~ the board ~~on behalf of~~
29 ~~constituents when no compensation, gift, favor, or anything of value is accepted, either~~
30 ~~directly or indirectly, for such services;~~

31 (3) Members of the General Assembly or state elected or appointed officials from
32 forwarding correspondence or communications received from third parties to the board,
33 so long as the correspondence or communications are forwarded in substantially the same
34 form in which they were received;

(4) The Attorney General, assistant attorney general, judge, district attorney, assistant district attorney, solicitor-general, assistant solicitor-general, or public defender as defined in Code Section 17-12-2 while acting in his or her official capacity; or

(5) Members of the General Assembly who are attorneys representing clients from appearing before the board.

~~(b) Nothing in subsection (a) of this Code section shall be construed to apply to the acceptance of compensation, expenses, and allowances received by members of the General Assembly or any other state elected or appointed official for their duties as such members or officials.~~

~~(c)~~(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor."

SECTION 26.

Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended by striking Code Section 45-1-4, relating to complaints or information regarding fraud, waste, and abuse in state programs and operations, and inserting in lieu thereof the following:

"45-1-4.

(a) As used in this Code section, the term:

(1) 'Government agency' means any agency of federal, state, or local government charged with the enforcement of laws, rules, or regulations.

(2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or any rule or regulation adopted according to any federal, state, or local statute or ordinance.

~~(1)~~(3) 'Public employee' means any person who is employed by the executive, judicial, or legislative branch of the state or by any other department, board, bureau, commission, authority, or other agency of the state ~~except the office of the Governor, the judicial branch, or the legislative branch.~~ This term also includes all employees, officials, or administrators of any agency covered under the State Merit System of Personnel Administration and any local or regional governmental entity that receives any funds from the State of Georgia or any state agency.

~~(2)~~(4) 'Public employer' means the executive, judicial, or legislative branch of the state ~~and~~ or any other department, board, bureau, commission, authority, or other agency of the state which employs or appoints a public employee or public employees ~~except the office of the Governor, the judicial branch, or the legislative branch~~ or any local or regional governmental entity that receives any funds from the State of Georgia or any state agency.

1 (5) 'Retaliate' or 'retaliation' refers to the discharge, suspension, or demotion by a public
2 employer of a public employee or any other adverse employment action taken by a public
3 employer against a public employee in the terms or conditions of employment.

4 (6) 'Supervisor' means any individual:

5 (A) To whom a public employer has given authority to direct and control the work
6 performance of the affected public employee;

7 (B) To whom a public employer has given authority to take corrective action regarding
8 a violation of or noncompliance with a law, rule, or regulation of which the public
9 employee complains; or

10 (C) Who has been designated by a public employer to receive complaints regarding a
11 violation of or noncompliance with a law, rule, or regulation.

12 (b) A public employer may receive and investigate complaints or information from any
13 public employee concerning the possible existence of any activity constituting fraud, waste,
14 and abuse in or relating to any state programs and operations under the jurisdiction of such
15 public employer.

16 (c) Notwithstanding any other law to the contrary, such public employer shall not after
17 receipt of a complaint or information from a public employee disclose the identity of the
18 public employee without the written consent of such public employee, unless the public
19 employer determines such disclosure is necessary and unavoidable during the course of the
20 investigation. In such event, the public employee shall be notified in writing at least seven
21 days prior to such disclosure.

22 ~~(d) No action against any public employee shall be taken or threatened by any public~~
23 ~~employer who has authority to take, direct others to take, recommend, or approve any~~
24 ~~personnel action as a reprisal for making a complaint or disclosing information to the~~
25 ~~public employer unless the complaint was made or the information was disclosed with the~~
26 ~~knowledge that it was false or with willful disregard for its truth or falsity.~~

27 (d)(1) No public employer shall make, adopt, or enforce any policy or practice
28 preventing a public employee from disclosing or threatening to disclose a violation of or
29 noncompliance with a law, rule, or regulation to either a supervisor or a government
30 agency.

31 (2) No public employer shall retaliate against a public employee for disclosing or
32 threatening to disclose a violation of or noncompliance with a law, rule, or regulation to
33 either a supervisor or a government agency, unless the disclosure or threatened disclosure
34 was made with knowledge that the disclosure was false or with reckless disregard for its
35 truth or falsity.

36 (3) No public employer shall retaliate against a public employee for objecting to, or
37 refusing to participate in, any activity, policy, or practice of the public employer that the

public employee has reasonable cause to believe is in violation of or noncompliance with a law, rule, or regulation.

(4) Paragraphs (1), (2), and (3) of this subsection shall not apply to policies or practices which implement, or to actions by public employers against public employees who violate, privilege or confidentiality obligations recognized by constitutional, statutory, or common law.

~~(e) Any action taken in violation of subsection (d) of this Code section shall give the public employee a right to have such action set aside in a proceeding instituted in the superior court.~~

(e)(1) A public employee who has been the object of retaliation in violation of this Code section may institute a civil action in superior court for relief as set forth in paragraph (2) of this subsection within one year after discovering the retaliation or within three years after the retaliation, whichever is earlier.

(2) In any action brought pursuant to this subsection, the court may order any or all of the following relief:

(A) An injunction restraining continued violation of this Code section;

(B) Reinstatement of the employee to the same position held before the retaliation or to an equivalent position;

(C) Reinstatement of full fringe benefits and seniority rights;

(D) Compensation for lost wages, benefits, and other remuneration; and

(E) Any other compensatory damages allowable at law.

(f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing public employee."

SECTION 27.

Said title is further amended by striking Code Section 45-10-3, relating to code of ethics for members of boards, commissions, and authorities, and inserting in lieu thereof the following:
"45-10-3.

Notwithstanding any provisions of law to the contrary, each ~~member of all boards, commissions, and authorities created by general statute~~ public official and employee as those terms defined in Code Section 45-10-20 shall:

(1) Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

(2) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;

(3) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties;

- (4) Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit;
- (5) Expose corruption wherever discovered;
- (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
- (7) Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;
- (8) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and
- (9) Never take any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action."

SECTION 28.

Said title is further amended by striking Code Section 45-10-4, relating to code of ethics for members of boards, commissions, and authorities, and inserting in lieu thereof the following:

"45-10-4.

(a)(1) Upon formal charges being filed with the Governor State Ethics Commission relative to a violation of Code Section 45-10-3, Part 1 of Article 2 of this chapter, or both, on the part of a member of any such board, commission, or authority public official or employee, the Governor or his State Ethics Commission or its designated agent shall conduct a hearing for the purpose of receiving evidence relative to the merits of such charges. The member so charged shall be given at least 30 days' notice prior to such hearing. If such charges are found to be true, the Governor shall forthwith remove such member from office and the vacancy shall be filled as provided by law. Such hearing shall be held in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and judicial review of any such decision shall be in accordance with such chapter preliminary investigation of the merits of a written complaint by any person who believes that a violation of Code Section 45-10-3, Part 1 of Article 2 of this chapter, or both, has occurred, verified under oath to the best information, knowledge, and belief by the person making such complaint. If there are found no reasonable grounds to believe that a violation has occurred, the complaint shall be dismissed, subject to being reopened upon discovery of additional evidence or relevant material. If the commission determines

that there are such reasonable grounds to believe that a violation has occurred, it shall give notice by summoning the persons believed to have committed the violation to a hearing. The hearing shall be conducted in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commission may file a complaint charging violations of Code Section 45-10-3, Part 1 of Article 2 of this chapter, or both, and any person aggrieved by the final decision of the commission is entitled to judicial review in accordance with Chapter 13 of Title 50; provided, however, that nothing in this Code section shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under Code Section 45-10-3, Part 1 of Article 2 of this chapter, or both.

(2) In any preliminary investigation referenced in paragraph (1) of this subsection, until such time as the commission determines that there are reasonable grounds to believe that a violation has occurred, it shall not be necessary to give the notice by summons nor to conduct a hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(b) If such charges are found to be true as against a member of any board, commission, or authority created by general statute, the Governor may forthwith remove such member from office and the vacancy shall be filled as provided by law.

(c)(1) The State Ethics Commission shall have the same powers and duties with respect to this Code section, Code Section 45-10-3, and Part 1 of Article 2 of this chapter as the commission has with respect to Chapter 5 of Title 21.

(2) The Attorney General shall have the same powers and duties with respect to this Code section, Code Section 45-10-3, and Part 1 of Article 2 of this chapter as the Attorney General has with respect to Chapter 5 of Title 21. Without limiting the generality of the foregoing it is specifically provided that the Attorney General may bring civil actions for the enforcement of this Code section, Code Section 45-10-3, and Part 1 of Article 2 of this chapter in the same general manner as provided in Chapter 5 of Title 21."

SECTION 29.

Said title is further amended by striking Code Section 45-10-5, relating to authority to enact rules and regulations, and inserting in lieu thereof the following:

"45-10-5.

~~No member of any board, commission, or authority created by general statute shall enact any rules or regulations or publicize such as being general laws and such rules and regulations shall in no way have the effect of law. The provisions of Code Sections~~

1 45-10-3 and 45-10-4 or Part 1 of Article 2 of this chapter are in addition to or cumulative
2 of any other criminal penalties imposed by law. Notwithstanding any other provision of
3 law to the contrary, an administrative or civil enforcement action brought pursuant to Code
4 Sections 45-10-3 and 45-10-4 or Part 1 of Article 2 of this chapter shall not bar the
5 prosecution of any violation of the criminal law of this state."

6 **SECTION 30.**

7 Said title is further amended by adding a new part at the end of Article 2 of Chapter 10,
8 relating to conflicts of interest, to read as follows:

9 "Part 5

10 45-10-80.

11 (a) Every public officer is prohibited from advocating for or causing the advancement,
12 appointment, employment, promotion, or transfer of a family member to an office or
13 position that pays an annual salary of \$10,000.00 or more or its equivalent.

14 (b) Any person advanced, appointed, employed, promoted, or transferred in violation of
15 this Code section shall not be entitled to any payment, salary, or benefits received for any
16 position so illegally obtained; and any person who receives payment, salary, or benefits for
17 a position obtained in violation of this Code section shall be required to reimburse the state
18 for all amounts so received."

19 **SECTION 31.**

20 Said title is further amended by adding a new Code Section 45-12-61 to follow Code Section
21 45-12-60 to read as follows:

22 "45-12-61.

23 (a) As used in this Code section, the terms 'campaign committee,' 'contribution,' and
24 'expenditure' shall have the meanings set forth in Code Section 21-5-3.

25 (b) No person shall be eligible for appointment to fill a vacancy on the Supreme Court, the
26 Court of Appeals, the superior courts, or the state courts if such person has made a
27 contribution to or expenditure on behalf of the Governor or the Governor's campaign
28 committee either: (1) in the 30 day period preceding the vacancy, unless the person
29 requests and is provided a refund of such contribution or reimbursement for such
30 expenditure; or (2) on or after the date the vacancy occurs."

31 **SECTION 32.**

32 This Act shall become effective on January 9, 2006.

- 1
- 2
- SECTION 33.
- All laws and parts of laws in conflict with this Act are repealed.